

HOUSE BILL 2019

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 36
and Title 37, relative to the "Foster Care Support
and Continuity Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by
adding the following as a new section:

(a) This section shall be known and may be cited as the "Foster Care Support
and Continuity Act."

(b) For purposes of this section, "reasonable preference" means the preference
of a child in the custody of the state, when that child is deemed to be of reasonable
intelligence, understanding, age, and experience to express such a preference.

(c) When a foster child is reunited with a biological parent or placed with a fit and
willing relative, a foster parent who has maintained continuous physical custody of the
child for six (6) or more months may maintain communication with the foster child if the
child exhibits a reasonable preference for continued contact with the foster parent and
such contact does not jeopardize the child's health or welfare, as judged by the state or
its agencies, or, if the child is reunited with the biological parent, the communication is
not opposed by the biological parent. Communication may include regular visits with the
child at times and in a manner agreed upon by the biological parent or relative and the
foster parent.

(d) Notwithstanding this part to the contrary:

(1) When a foster child is reunited with a biological parent or placed with a fit and willing relative, but then returns to state custody, the department may place the child with a foster parent who previously cared for the child, as long as:

(A) The child exhibits a reasonable preference for the placement;

(B) The former foster parent affirms that preference and is eligible to care for the child under this title; and

(C) The placement is deemed consistent with the child's welfare;

(2) The department may consider a child's former foster parent for emergency placement and initiate a placement of the child with the foster parent, even if the foster parent is not currently licensed by the state to provide foster care; provided, that if the foster parent does not maintain a current state license, such placement is contingent upon the foster parent applying for or renewing licensure;

(3) Upon the reasonable preference of the foster child and affirmation by the department, a former foster parent of the foster child may be deemed as kin by the department for purposes of contact and social support, even if the child is no longer in the foster parent's physical custody. Under such designation, the foster parent may be contacted by the state or service providers to facilitate a continuation of information regarding the child's history; and

(4) Any foster parent deemed as kin is authorized to be updated with information about the child's physical location and communicate with or have access to the child in the same manner as a relative of the child.

(e)

(1) A foster parent maintaining physical custody of a foster child for twelve (12) or more continuous months or fifteen (15) months out of the previous twenty-two (22) months has legal standing in any custody hearings involving the foster child.

(2) A foster parent is responsible for the full expense of the foster parent's participation in such legal proceeding.

(3) The department shall not disrupt placements with the purpose of precluding foster parents from obtaining standing under subdivision (e)(1).

(f) Notwithstanding this title to the contrary, biological parents who seek to voluntarily relinquish and terminate parental rights of a child in foster care may do so by means of filing a signed and notarized form, on a form provided by the department, to the department for filing with a court of competent jurisdiction. Biological parents relinquishing and terminating parental rights in accordance with this subsection (f) shall not be required to personally appear in court.

SECTION 2. For purposes of promulgating rules, forms, and policies, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2018, the public welfare requiring it.